

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS**

IN RE: Request from the United Kingdom)
Pursuant to the Treaty Between the)
Government of the United States of)
America and the Government of) M.B.D. No. 11 mc 91078-WGY
the United Kingdom on Mutual)
Assistance in Criminal Matters in)
the Matter of Dolours Price)

Government's Response to the Request of NBC News

The United States of America, by and through Assistant U. S. Attorney John T. McNeil, respectfully submits this response to the letter submitted by NBC News dated May 6, 2014.

[D.80]. The government has no objection to the unsealing of D.10 (7/5/11)¹, D.28 (10/3/11), and D.36 (12/27/11). In addition, the government does not object to the unsealing of the sealed sidebar transcript from the hearing on February 1, 2012, except that the names of those persons identified during that sidebar conference should remain under seal. [Sealed Tr. 2/1/12 at pg. 15]. The government opposes the unsealing of D.15 (8/25/11), as it contains interview materials and other documents which were produced by Boston College in response to the MLAT subpoenas but are not otherwise publicly available.

The government also opposes the unsealing of certain pleadings filed by the United States which outline the nature and scope of the investigation which gave rise to the MLAT subpoenas.² That investigation, which involves credible allegations of murder and kidnapping, is ongoing. The release of those pleadings at this time could jeopardize the ongoing investigation, and could unfairly impair the reputation of individuals identified in those pleadings as witnesses or suspects.

¹ There appear to be two documents entered as Docket Number 10 in this matter. The first is a filing under seal by the government on July 5, 2011, to which the government refers in this response. The second is a pleading filed by Boston College on July 15, 2011, which is not under seal.

² The pleadings which should remain under seal are identified in a separate supplemental sealed filing.

Moreover, the release of sensitive foreign law enforcement information submitted to the Central Authority of the United States under a mutual legal assistance treaty could inhibit the United States government's ability to obtain reciprocal investigatory assistance from our treaty partners in future matters. *See generally* US-UK MLAT at Article 7, §1 (Confidentiality and Limitations on Use).³

In order to ensure that pleadings do not remain under seal for a period longer than necessary, the government will submit a status report to the Court in no more than six months. In that status report, the government will apprise the Court whether there is an ongoing need to keep the pleadings under seal. That status report will be filed on or before December 2, 2014.

Respectfully submitted,

CARMEN M. ORTIZ
UNITED STATES ATTORNEY

Date: June 2, 2014

By: s/ John T. McNeil
John T. McNeil
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

s/ John T. McNeil
John T. McNeil
Assistant United States Attorney

³ The US-UK MLAT is formally known as the Treaty Between the Government of the United States of America and the Government of the United Kingdom and Northern Ireland on Mutual Legal Assistance in Criminal Matters, signed at Washington, D.C., on January 6, 1994 (the "1994 Treaty"), S. Treaty Doc. 104-2, as amended by the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed 25 June 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed 6 January 2004, signed at London on December 16, 2004 (the "2004 Instrument"), S. Treaty Doc. No. 109-13. The Annex to the 2004 Instrument reflects the integrated text of the provisions of the 1994 Treaty and the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003.